

THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

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In the Matter of :

LANCE OGISTE :

Respondent. :
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DISPOSITION

COIB Case No. 2013-771c

WHEREAS, the New York City Conflicts of Interest Board (the "Board") commenced an enforcement action pursuant to Section 2603(h)(1) of the City of New York's conflicts of interest law, Chapter 68 of the New York City Charter ("Chapter 68"), against Lance Ogiste ("Respondent"); and

WHEREAS, the Board and Respondent wish to resolve this matter on the following terms,

IT IS HEREBY AGREED, by and among the parties, as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:

- a. Since May 5, 1989, I have been employed by the Office of the Kings County District Attorney ("KCDA"), currently as an Assistant District Attorney and previously as Counsel to the District Attorney. During that time, I have been a "public servant" within the meaning of and subject to Chapter 68.
- b. On July 22, 2013, August 5, 2013, and September 1, 2013, I used my KCDA email account and KCDA computer to exchange emails with Kings County District Attorney Charles Hynes to assist his 2013 reelection campaign (the "Campaign").
- c. On those dates, I wrote a total of four emails to Hynes, mainly in response to e-mails from him, relating to efforts to obtain an endorsement for his candidacy from *New York Carib News*.
- d. I acknowledge that, by using my KCDA email account and KCDA computer to assist the Campaign, I used City resources for a non-City purpose in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which state, respectively:

No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.

Except as provided in subdivision (c) of this section, it shall be a violation of City Charter § 2604(b)(2) for any public servant to use City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.

2. The Board considered prior cases in which public servants misused a comparable amount of City resources for political campaigns and Respondent's high-level position as Counsel to the District Attorney in determining that the appropriate penalty in this case is a fine of One Thousand Dollars (\$1,000).

3. Respondent agrees to the following:

- a. I agree to pay a fine of One Thousand Dollars (\$1,000) to the Board by money order or by cashier, bank, or certified check, made payable to the "New York City Conflicts of Interest Board," at the time of my signing this Disposition.
- b. I agree that this Disposition is a public and final resolution of the Board's charges against me.
- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board, or any members or employees thereof relating to, or arising out of this Disposition or the matters recited therein.
- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress and having been represented by an attorney of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board; and that I fully understand all the terms of this Disposition.
- e. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

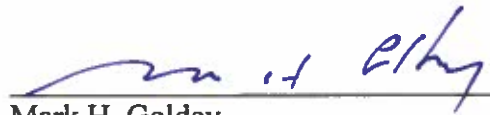
4. The Board accepts this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively state that other than as recited herein, no further action will be taken by the Board against Respondent based upon the facts and circumstances set forth herein, except that the Board shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

5. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: February 7, 2018


Lance Ogiste
Respondent

Dated: February 2, 2018


Mark H. Goldey
Counsel for Respondent

Dated: 3/23, 2018


Richard Briffault
Chair
NYC Conflicts of Interest Board